

§ 30.39

domestic/foreign indicator shall not be required.

§ 30.39 Special exemptions for shipments to the U.S. Armed Services.

Filing of EEI is not required for any and all commodities, whether shipped commercially or through government channels, consigned to the U.S. Armed Services for their exclusive use, including shipments to armed services exchange systems. This exemption does not apply to articles that are on the USML and thus controlled by the ITAR and shipments that are not consigned to the U.S. Armed Services, regardless of whether they may be for their ultimate and exclusive use.

EFFECTIVE DATE NOTE: At 78 FR 16381, Mar. 14, 2013, § 30.39 was revised, effective Jan. 8, 2013. At 78 FR 67928, Nov. 13, 2013, the effective date was delayed until Apr. 5, 2014. For the convenience of the user, the revised text is set forth as follows:

§ 30.39 Special exemptions for shipments to the U.S. Armed Services.

Except as noted in § 30.2 (a)(1)(iv), filing of EEI is not required for any and all commodities, whether shipped commercially or through government channels, consigned to the U.S. Armed Services for their exclusive use, including shipments to armed services exchange systems. This exemption does not apply to articles that are on the USML and thus controlled by the ITAR and/or shipments that are not consigned to the U.S. Armed Services, regardless of whether they may be for their ultimate and exclusive use.

§ 30.40 Special exemptions for certain shipments to U.S. government agencies and employees.

Filing EEI is not required for the following types of shipments to U.S. government agencies and employees:

(a) Office furniture, office equipment, and office supplies shipped to and for the exclusive use of U.S. government offices.

(b) Household goods and personal property shipped to and for the exclusive and personal use of U.S. government employees.

(c) Food, medicines, and related items and other commissary supplies shipped to U.S. government offices or employees for the exclusive use of such employees, or to U.S. government employee cooperatives or other associations for subsequent sale or other distribution to such employees.

15 CFR Subtitle B, Ch. I (1–1–14 Edition)

(d) Books, maps, charts, pamphlets, and similar articles shipped by U.S. government offices to U.S. or foreign libraries, government establishments, or similar institutions.

EFFECTIVE DATE NOTE: At 78 FR 16381, Mar. 14, 2013, § 30.40 was amended by revising the introductory text and removing paragraph (d), effective Jan. 8, 2013. At 78 FR 67928, Nov. 13, 2013, the effective date was delayed until Apr. 5, 2014. For the convenience of the user, the revised text is set forth as follows:

§ 30.40 Special exemptions for certain shipments to U.S. government agencies and employees.

Except as noted in § 30.2(a)(1)(iv), filing EEI is not required for the following types of shipments to U.S. government agencies and employees:

* * * * *

§§ 30.41–30.44 [Reserved]

Subpart E—General Carrier and Manifest Requirements

§ 30.45 General statement of requirements for the filing of carrier manifests with proof of filing citations for the electronic submission of export information or exemption legends when Electronic Export Information filing is not required.

(a) *Requirement for filing carrier manifest.* Carriers transporting goods from the United States, Puerto Rico, or the U.S. Virgin Islands to foreign countries; from the United States or Puerto Rico to the U.S. Virgin Islands; or between the United States and Puerto Rico; shall not be granted clearance and shall not depart until complete manifests or other required documentation (for ocean, air, and rail carriers) have been delivered to CBP Port Director in accordance with all applicable requirements under CBP regulations. CBP may require any of the following: bill of lading, air waybill, export shipping instructions, manifest, train consist, or other commercial loading document. The required document shall contain the appropriate AES proof of filing citations, covering all cargo for which the EEI is required, or exemption legends, covering cargo for which EEI need not be filed by the regulations of this part. Such annotation shall be without material change

or amendment of proof of filing citations or exemption and exclusion legends as provided to the carrier by the USPPI or its authorized agent.

(1) *Vessels*. Vessels transporting goods as specified (except vessels exempted by paragraph (a)(4) of this section) shall file a complete manifest. Manifests may be filed via paper or electronically through the AES Vessel Transportation Module as provided in CBP Regulations, 19 CFR 4.63 and 4.76.

(i) *Bunker fuel*. The manifest (including vessels taking bunker fuel to be laden aboard vessels on the high seas) clearing for foreign countries shall show the quantities and values of bunker fuel taken aboard at that port for fueling use of the vessel, apart from such quantities as may have been laden on vessels as cargo.

(ii) *Coal and fuel oil*. The quantity of coal shall be reported in metric tons (1000 kgs or 2240 pounds), and the quantity of fuel oil shall be reported in barrels of 158.98 liters (42 gallons). Fuel oil shall be described in such manner as to identify diesel oil as distinguished from other types of fuel oil.

(2) *Aircraft*. Aircraft transporting goods shall file a complete manifest as required in CBP Regulations 19 CFR 122.72–122.76. The manifest shall be filed with CBP Port Director at the port where the goods are laden. For shipments from the United States to Puerto Rico, the manifests shall be filed with CBP Port Director at the port where the goods are unladed in Puerto Rico.

(3) *Rail carriers*. Rail carriers transporting goods shall file a car manifest or train consist with CBP Port Director at the border port of export in accordance with 19 CFR 123.

(4) *Carriers not required to file manifests*. Carriers exempted from filing manifests under applicable CBP regulations are required, upon request, to present to CBP Port Director, the proof of filing citation or exemption and exclusion legends for each shipment.

(5) *Penalties*. Failure of the carrier to file a manifest as required constitutes a violation of the regulations in this part and renders such carrier subject to the penalties provided for in Subpart H of this part.

(b) *Partially exported shipments*. Except as provided in paragraph (c) of this section, when a carrier identifies, prior to filing the manifest, that a portion of the goods covered by a single EEI transaction has not been exported on the intended carrier, it shall be noted on the manifest submitted to CBP. The carrier shall notify the USPPI or the authorized agent of changes to the commodity data, and the USPPI or the authorized agent shall electronically transmit the corrections, cancellations, or amendments as soon as they are known in accordance with §30.9. Failure by the carrier to correct the manifest constitutes a violation of the provisions of the regulations in this part and renders the carrier subject to the penalties provided for in Subpart H of this part.

(c) *“Split shipments” by air*. When a shipment by air covered by a single EEI transmission is exported in more than one aircraft of the carrier, the “split shipment” procedure provided in §30.28 shall be followed by the carrier in delivering manifests with the proof of filing citation or exemption legend to CBP Port Director.

(d) *Attachment of commercial documents*. The manifest shall carry a notation that values stated are as presented on the bills of lading, cargo lists, export shipping documents or other commercial documents. The bills of lading, cargo lists, export shipping documents or other commercial documents shall be securely attached to the manifest in such a manner as to constitute one document. The manifest shall reference the statement “Cargo as per bills of lading attached” or “Cargo as per commercial forms attached.” Also required on the face of each bill of lading shall be the information required by the manifest for cargo covered by that document.

(e) *Exempt items*. For any item for which EEI is not required by the regulations in this part, a notation on the manifest shall be made by the carrier as to the basis for the exemption. In cases where a manifest is not required and EEI is not required, an oral declaration to CBP Port Director shall be made as to the basis for the exemption.

(f) *Proof of filing citations and exemption legends*. (1) Ocean and air exporting

§ 30.45, Nt.

carriers shall not accept paper SEDs under any circumstances nor load cargo that does not have all proof of filing citations, exemption or exclusion legends as provided for in Appendix D.

(2) Ocean and air exporting carriers are subject to the penalties provided for in Subpart H of this part if the exporting carrier;

(i) Accepts paper SEDs for cargo or,

(ii) Loads cargo without all proof of filing citations, exemption or exclusion legends as provided for in Appendix D.

(3) Truck exporting carriers shall not accept paper SEDs under any circumstances nor cross the border into a foreign country without a proof of filing citations, exemption or exclusion legends for cargo being exported as provided for in Appendix D. Truck exporting carriers accepting paper SEDs for cargo being exported into foreign countries, or carrying cargo into foreign countries without a proof of filing citation, exemption or exclusion legends in their possession are subject to the penalties provided for in Subpart H of this part.

(4) Rail exporting carriers shall not accept paper SEDs under any circumstance nor cross the border into a foreign country without a proof of filing citations, exemption or exclusion legends for cargo being exported as provided in Appendix D. Rail exporting carriers accepting paper SEDs for cargo being exported into foreign countries, or carrying cargo into foreign countries without required proof of filing citations, exemption or exclusion legends in their possession are subject to the penalties provided for in Subpart H of this part.

EFFECTIVE DATE NOTE: At 78 FR 16381, Mar. 14, 2013, § 30.45 was amended by revising paragraph (a) introductory text and paragraphs (a)(2), (a)(4), (c), (d), and (f)(1) and (2); and removing paragraphs (f)(3) and (4), effective Jan. 8, 2013. At 78 FR 67928, Nov. 13, 2013, the effective date was delayed until Apr. 5, 2014. For the convenience of the user, the revised text is set forth as follows:

§ 30.45 General statement of requirements for the filing of carrier manifests with proof of filing citations for the electronic submission of export information or exemption legends when Electronic Export Information filing is not required.

(a) *Requirement for filing carrier manifest.* Carriers transporting goods from the United

15 CFR Subtitle B, Ch. I (1–1–14 Edition)

States, Puerto Rico, or the U.S. Virgin Islands to foreign countries; from the United States or Puerto Rico to the U.S. Virgin Islands; or between the United States and Puerto Rico may not be granted clearance and may not depart until complete manifests or other required documentation (for ocean, air, and rail carriers) have been delivered to CBP Port Director in accordance with all applicable requirements under CBP regulations. The CBP may require any document it determines necessary to ensure compliance with U.S. export control laws, such as: bill of lading, air waybill, export shipping instructions, manifest, train consist, or other commercial loading documents. The required documents shall contain the appropriate AES proof of filing citations, covering all cargo for which the EEI is required; or exemption legends, covering cargo for which EEI need not be filed by the regulations of this part. Such annotation shall be without material change or amendment of proof of filing citations or exemption and exclusion legends as provided to the carrier by the USPPI or its authorized agent.

* * * * *

(2) *Aircraft.* Aircraft transporting goods shall file a complete manifest in accordance with all applicable requirements under CBP regulations. The manifest shall be filed with the CBP Port Director at the CBP port of exit. For shipments from the United States to Puerto Rico, the manifests shall be filed with the CBP Port Director at the port where the goods are unladen in Puerto Rico.

* * * * *

(4) *Carriers not required to file manifests.* Carriers allowed to file incomplete manifests under applicable CBP regulations are required, upon request, to present to the CBP Port Director the proof of filing citation, exemption or exclusion legends for each shipment, prior to departure of the vessel, aircraft, train, truck or other means of conveyance.

* * * * *

(c) *Split shipments.* When a shipment is divided by the carrier and is covered by a single EEI transmission, the split shipment procedure provided in § 30.28 shall be followed by the carrier in delivering manifests with the proof of filing citation or exemption legend to the CBP Port Director.

(d) *Attachment of commercial documents.* The manifest shall carry a notation that values stated are as presented on the bills of lading, cargo lists, export shipping documents or other commercial documents. The bills of lading, cargo lists, export shipping documents or other commercial documents shall

be securely attached to the manifest in such a manner as to constitute one document and otherwise comply with CBP regulations.

* * * *

(f) * * *

(1) Except as noted in §30.4(b)(2), ocean, rail, truck and air exporting carriers shall not load cargo that does not have all proof of filing citations, exemption, exclusion legends, or postdeparture citations as provided for in Appendix D.

(2) Except as noted in §30.4(b)(2), ocean, rail, truck and air exporting carriers are subject to the penalties provided for in Subpart H of this part if the exporting carrier;

* * * *

§ 30.46 Requirements for the filing of export information by pipeline carriers.

The operator of a pipeline may transport goods to a foreign country without the prior filing of the proof of filing citations, exemption or exclusion legends, on the condition that within four calendar days following the end of each calendar month the operator will deliver to CBP Port Director the proof of filing citations, exemption or exclusion legends covering all exports through the pipeline to each consignee during the month.

EFFECTIVE DATE NOTE: At 78 FR 16381, Mar. 14, 2013, §30.46 was revised, effective Jan. 8, 2014. At 78 FR 67928, Nov. 13, 2013, the effective date was delayed until Apr. 5, 2014. For the convenience of the user, the revised text is set forth as follows:

§ 30.46 Requirements for the filing of export information by pipeline carriers.

The operator of a pipeline may transport goods to a foreign country without the prior filing of the proof of filing citations, exemption, or exclusion legends, on the condition that within four calendar days following the end of each calendar month the operator will deliver to CBP Port Director the proof of filing citations, exemption, or exclusion legends covering all exports through the pipeline to each consignee during the month.

§ 30.47 Clearance or departure of carriers under bond on incomplete manifest.

(a) For purposes of the regulations in this part, except when carriers are transporting merchandise from the United States to Puerto Rico, clearance (where clearance is required) or

permission to depart (where clearance is not required) may be granted to any carrier by CBP Port Director prior to filing of a complete manifest as required under the regulations of this part or prior to filing by the carrier of all filing U.S. Customs and Border Protection regulations citations, exclusion, and/or exemption legends, provided there is a bond as specified in 19 CFR 4.75, 4.76, and 122.74. The conditions of the bond shall be that a complete manifest, where a manifest is required by the regulations in this part and all required filing citations, exclusion, and/or exemption legends shall be filed by the carrier no later than the fourth business day after clearance (where clearance is required) or departure (where clearance is not required) of the carrier except as otherwise specifically provided in paragraph (a)(1), (2), and (3) of this section.

(1) For manifests submitted electronically through AES, the condition of the bond shall be that the manifest and all required filing citations, exclusion, and/or exemption legends shall be completed not later than the tenth business day after departure from each port.

(2) For rail carriers to Canada, the conditions of the bond shall be that manifest and all filing citations, exclusion, and/or exemption legends shall be filed not later than the fifteenth business day after departure.

(3) For carriers under bond on incomplete manifest, the carrier must file prior to departure a list of filing citations, exclusion, and/or exemption legends for export shipments aboard the conveyance. The list of filing citations, exclusion and/or exemption legends shall be presented to a CBP Export Control Officer at the port of exit prior to departure.

(b) In the event that any required manifest and all required filing citations, exclusion and/or exemption legends are not filed by the carrier within the period provided by the bond, then a penalty of \$1,100 shall be exacted for each day's delinquency beyond the prescribed period, but not more than \$10,000 per violation.

(c) Remission or mitigation of the penalties for manifest violations provided herein may be granted by CBP as